

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1, 9-16 and 25-31 are pending, Claims 2-8, 17-24 and 32-34 having been canceled without prejudice or disclaimer, and Claims 1, 9, 11, 12, 14, 16, 25, 27, 29 and 31 having been amended by way of the present amendment.

In the outstanding Office Action, Claim 32 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1-3, 6, 7, 12, 13, 16-18, 21, 22, 26-28, 31 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Noneman (U.S. Patent No. 5,887,252); Claims 4, 8, 19 and 23 were rejected as being unpatentable over Noneman in view of Langlet et al. (U.S. Patent No. 5,930,248, hereinafter Langlet); and Claims 5, 9-11, 14, 15, 20, 24, 25, 29 and 30 were indicated as containing allowable subject matter.

Claim 32 has been canceled and therefore the rejection under 35 U.S.C. § 112, second paragraph is now moot.

Claim 1 has been amended to clarify the invention. Amended Claim 1 is directed to a method of delivering multicast information by radio from an information delivery apparatus to wireless terminals that are experiencing different reception conditions within a service area. The method includes transmitting a plurality of identical sets of multicast information under respective different transmission conditions that correspond to different reception conditions of the wireless terminals. The method also includes a step of measuring reception quality at each of the wireless terminals. Lastly, amended Claim 1 includes a step of receiving at any given one of the wireless terminals, one of the identical sets of multicast information being transmitted under the respective different transmission conditions. The one of the identical sets of information is transmitted under one of the different transmission conditions and is received by use of the one of the different transmission conditions that is selected based on the reception quality measured in said measuring step.

An advantage with the present invention is that it allows wireless terminals to receive multicast information of proper quality when the wireless terminals are experiencing different reception conditions, such as when some of the wireless terminals are located near the base station and others are located near the border of the service area. To this end, the information delivery apparatus transmits a plurality of identical sets of multicast information under respective different transmission conditions that correspond to the different reception conditions of the wireless terminals. Any given one of the wireless terminals receives one of the identical sets of multicast information transmitted under the transmission condition that corresponds with its own reception condition.

Noneman is directed to a system in which a base station transmits to a mobile station, multicast parameters including a spreading code and a scrambling code (column 2, lines 49-51). The mobile station then incorporates the spreading code and scrambling code so as to configure itself to receive the transmission signal that is encoded with the assigned spreading code and scrambling code (column 2, lines 51-54). A separate spreading code and scrambling code are assigned to each multicast service, and therefore, Noneman describes a system in which a particular (single) multicast service may be selected from a plurality of multicast services each of which correspond to different multicast parameters (spreading code and scrambling code). This enables the particular mobile station to configure itself to receive a particular multicast service. In this way, the term “multicast transmission” in Noneman is a “point-to-multipoint” transmission that sends a single set of information to a plurality of receivers. On the other hand, a plurality of “multicast services” described to in Noneman refers to different services that transmit different sets of information.

In contrast to Noneman, the invention defined by amended Claim 1 is directed to an information delivery apparatus that transmits a plurality of identical sets of multicast information under different respective transmission conditions. The respective wireless

terminals measure reception quality and at any given one of the wireless terminals, that wireless terminal is able to receive the identical sets of multicast information and select the one based on the reception quality measured at that wireless terminal. It is respectfully submitted that Noneman neither teaches nor suggests these features of amended Claim 1 and therefore amended Claim 1 also patentably defines over Noneman. Claims 9-14, as amended, depend from Claim 1 and therefore are believed to also patentably define over Noneman. Independent Claims 16 and 31, although of differing scope and/or statutory class, are believed to patentably define over Noneman for substantially the same reasons as discussed with regard to Claim 1. Likewise, Claims 26-28 are also believed to patentably define over Noneman.

The outstanding Office Action asserts that Claims 4, 8, 19 and 23 are rejected as being unpatentable over Noneman in view of Langlet. Each of these claims have been canceled without prejudice or disclaimer and therefore it is respectfully submitted that the rejection of these claims is now moot. Nevertheless, Langlet appears to be directed to a completely different invention than the presently claimed invention. Moreover, Langlet is directed to a system that uses diversity antennas that function to transmit unicast information and multicast information. Langlet reduces interference by providing timing offsets to signals and also teaches reducing the effect of multipass by use of time diversity. Langlet offers no additional insight as to how to transmit multicast information properly to wireless terminals experiencing differing reception conditions.

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Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the presently claimed invention patentably defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Customer Number

**22850**


Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Bradley D. Lytle  
Registration No. 40,073